



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,797	10/19/2004	Toni Kopra	KOLS.155US	4278

7590 02/22/2008
Hollingsworth & Funk, LLC
Suite 125
8009 34th Avenue South
Minneapolis, MN 55425

EXAMINER

RUSTEMEYER, BRETT J

ART UNIT	PAPER NUMBER
----------	--------------

2623

MAIL DATE	DELIVERY MODE
-----------	---------------

02/22/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/511,797

Applicant(s)

KOPRA ET AL.

Examiner

Brett Rustemeyer

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10-19-2004 (Preliminary Amendment).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Application may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(c) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1-10, 21, 22, 24, and 25 are rejected under 35 U.S.C. 102 (e) as being anticipated by United States Patent Application Number “US 2005/0144641 A1” invented by William H. Lewis (hereinafter referred to as “Lewis”).

Regarding claim 1, Lewis teaches of a method of delivering an object relating to a broadcast media stream to a user terminal of a radio system, the method comprising:

broadcasting the media stream by a broadcast system ([0070], [0088], [0089] with respect to FIG. 2b),

associating the object to the media stream in the broadcast system ([0188], [0189]),

delivering an object identification of the object from the broadcast system to at least one user terminal ([0177]-[0186]),

presenting the object identification in synchronization with the media stream in the user terminal ([0085], [0179]-[0184], [0186]-[0189]),

sending, if a user requests the delivery of the object based on the object identification, a transaction signal with the object identification from the user terminal to a database of at least one object through the radio system ([0092], [0131]-[0134] with respect to FIG. 3c), and

delivering the object of the object identification from the database to the user terminal, which sent the request signal, through the radio system ([0079], [0131]-[0134]).

Regarding claim 2, Lewis teaches the method of claim 1, the method further comprising providing the broadcast system with object identifications of the objects available in a database of an object provider ([0188]).

Regarding claim 3, Lewis teaches the method of claim 1, the method further comprising creating the objects and the object identifications in the broadcast system and saving the objects in a database (A perspective advertiser or content provider must provide advertisement data (audio/video/text, etc.) according to the Central/Control Database's available advertising format as discussed in [0188]. Broadcasters may include control and/or program information in a multi-formatted program as disclosed in [0137]. Thus, respectively creating modified advertisement data and modified multi-formatted programs which may be stored in the ATS as disclosed in [0132]).

Regarding claim 4, Lewis teaches the method of claim 1, the method further comprising delivering the object identification from the broadcast system to at least one user terminal through the radio system ([0079], [0131]-[0134]).

Regarding claim 6, Lewis teaches the method of claim 1, the method further comprising sending the transaction signal from the user terminal directly to the database of the object provider through the radio system ([0092], [0131]-[0134] with respect to FIG. 3c).

Regarding claim 7, Lewis teaches the method of claim 1, the method further comprising sending first the transaction signal from the user terminal to a server serving the broadcast system through the radio system, and sending a signal with the object identification from the server to the database of the object provider ([0092], [0131]-[0134] with respect to FIG. 3c).

Regarding claim 8, Lewis teaches the method of claim 1, the method further comprising associating the object identification to the media stream such that the object identification is attached to a broadcasting timeline of the media stream, and delivering the object identification in accordance with the broadcasting timeline of the media stream ([0179]-[0184], [0186]-[0189]).

Regarding claim 9, Lewis teaches the method of claim 1, the method further comprising recording and processing the transfer of each object to the user terminals by means of a transaction processing device ([0092], [0131]-[0134] with respect to FIG. 3c).

Regarding claim 10, Lewis teaches the method of claim 1, the method further comprising identifying the format of the object identification and the object by means of the user terminal, the identifying revealing information, such as the supporting application needed, additional rights pertaining to the object, forwarding limitations associated with the object, or any combination thereof ([0043], [0083], [0134], [0144], [0160]).

Regarding claim 21, Lewis teaches of a user terminal of a radio system, wherein the user terminal is configured to

receive an object identification of an object from a broadcast system ([0177]-[0186]), the object being associated and synchronized to the broadcast media stream in the broadcast system ([0085], [0179]-[0184], [0186]-[0189]),

present the object identification in synchronization with the media stream in the user terminal ([0085], [0179]-[0184], [0186]-[0189]),

send, if a user requests the delivery of the object based on the object identification, a transaction signal with the object identification to a database of at least one object through the radio system ([0092], [0131]-[0134] with respect to FIG. 3c), and

receive the object of the object identification delivered from the database through the radio system ([0079], [0131]-[0134]).

Regarding claim 22, Lewis teaches of the user terminal of claim 21, wherein the user terminal is configured to receive the object identification from the broadcast system through the radio system (Please refer to the reasons stated by the Examiner in response to claim 4).

Regarding claim 24, Lewis teaches of the user terminal of claim 21, wherein the user terminal is configured to send a transaction signal directly to the database of the object provider through the radio system (Please refer to the reasons stated by the Examiner in response to claim 6).

Regarding claim 25, Lewis teaches of the user terminal of claim 21, wherein the user terminal is configured to send a transaction signal from the user terminal to a server serving the broadcast system through the radio system, the server then sending a signal with the object identification to the database of the object provider (Please refer to the reasons stated by the Examiner in response to claim 7).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in **Graham v. John Deere Co.**, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows: (*See MPEP Ch. 2141*)

- a. Determining the scope and contents of the prior art;
- b. Ascertaining the differences between the prior art and the claims in issue;
- c. Resolving the level of ordinary skill in the pertinent art; and
- d. Evaluating evidence of secondary considerations for indicating obviousness or nonobviousness.

4. Claims 5, 11-20, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis.

Regarding claim 5, Lewis teaches the method of claim 1, the method further comprising delivering the object identification from the broadcast system to at least one user terminal as a radio broadcast ([0177]-[0186]. Lewis fails to explicitly mention that the radio broadcast is a RDS broadcast. However, Official Notice is taken that both the concept and advantage of providing the highlighted claim limitations are notoriously well known and expected in the art, and therefore would have been obvious to incorporate in Wells for the benefit of conforming to regulatory broadcast standards.

Regarding claim 11, Lewis teaches of a media system relating to a broadcast system configured to broadcast a media stream, the media system further comprising:

a radio system including at least one user terminal, the broadcast system having a connection to the radio system,

the broadcast system being configured to associate at least one object identification to a broadcasting timeline of the broadcast media stream ([0188], [0189]) and

the broadcast system being configured to deliver object identifications to the user terminals ([0177]-[0186]);

the user terminal being configured to receive at least one object identification from the broadcast system ([0177]-[0186]) and to present the at least one object identification in synchronization with the media stream ([0085], [0179]-[0184], [0186]-[0189]), and

the user terminal being configured to send, if a user requests the delivery of the object based on an object identification, a transaction signal with the object identification to a database having at least one object through the radio system 0092], [0131]-[0134] with respect to FIG. 3c), and

the database being configured to deliver the object of the object identification to the user terminal, which sent the request signal, through the radio system ([0079], [0131]-[0134]).

Lewis is silent to mention that the radio system includes at least one base station. However, Official Notice is taken that both the concept and advantage of providing the highlighted claim limitations are notoriously well known and expected in the art, and therefore would have been obvious to incorporate in Wells for the benefit of providing a means for broadcasting media to user terminals.

Regarding claim 12, Lewis teaches the system of claim 11, wherein the database of the object provider is configured to provide the broadcast system with object identifications of the objects available in the database (Please refer to the reasons stated by the Examiner in response to claim 2).

Regarding claim 13, Lewis teaches the system of claim 11, wherein the broadcast system is configured to create the objects and the object identifications and save the objects in the database (Please refer to the reasons stated by the Examiner in response to claim 3).

Regarding claim 14, Lewis teaches the system of claim 11, wherein the broadcast system is configured to deliver the object identification to at least one user terminal through the radio system (Please refer to the reasons stated by the Examiner in response to claim 4).

Regarding claim 15, Lewis teaches the system of claim 11, wherein the broadcast system is configured to deliver the object identification to at least one user terminal as an RDS broadcast (Please refer to reasons stated by the Examiner in response to claim 5).

Regarding claim 16, Lewis teaches the system of claim 11, wherein the user terminal is configured to send the transaction signal directly to the database of the object provider through the radio system (Please refer to the reasons stated by the Examiner in response to claim 6).

Regarding claim 17, Lewis teaches the system of claim 11, wherein the media system further comprises a server serving the broadcast system, and the user terminal is configured to send the transaction signal to the server through the radio system, the server being configured to send a signal with the object identification to the database of the object provider (Please refer to the reasons stated by the Examiner in response to claim 7).

Regarding claim 18, Lewis teaches the system of claim 11, wherein the broadcast system comprises a content creation tool configured to associate the object identification to the media stream such that the object identification is attached to a broadcasting timeline of the media stream, and to deliver the object identification in accordance with the broadcasting timeline of the media stream (Please refer to the reasons stated by the Examiner in response to claim 8).

Regarding claim 19, Lewis teaches the system of claim 11, wherein the media system further comprises a billing unit configured to record and process of the transfer of each object to the user terminals for billing purposes (Please refer to the reasons stated by the Examiner in response to claim 9).

Regarding claim 20, Lewis teaches the system of claim 11, wherein the user terminal is configured to identify the format of the object identification and the object, the identifying revealing information, such as the supporting application needed, additional rights pertaining to the object, forwarding limitations associated with the object, or any combination thereof (Please refer to the reasons stated by the Examiner in response to claim 10).

Regarding claim 23, Lewis teaches the e user terminal of claim 21, wherein the user terminal is configured to receive the object identification from the broadcast system as an RDS broadcast (Please refer to reasons stated by the Examiner in response to claim 5).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- a. Mankovich et al. (United States Patent Application Number "US 2003/0097338 A1") teaches of a system and method for purchasing content related material.
- b. Raverdy et al. (United States Patent Application Number "US 2002/0069419 A1") teaches of system and method for streaming video information to a user device.

Contact

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brett Rustemeyer whose telephone number is (571) 270-1849. The examiner can normally be reached on Mon. - Thurs. 6:30 a.m.-5 p.m. EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

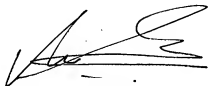
Application/Control Number:
10/511,797
Art Unit: 2623

Page 12

like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BR/

February 15th, 2008

A handwritten signature in black ink, appearing to read 'Vivek Srivastava', with a horizontal line drawn underneath it.

VIVEK SRIVASTAVA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600